

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 946*

House Bill No. 1321

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following new subdivision (b)(5) and redesignating the current subdivision (b)(5) as subdivision (b)(6):

(5)

(A) Reckless endangerment under the circumstances set out as community terrorism in subdivision (b)(5)(D) is a Class C felony and shall be punished by the following, in addition to any period of confinement:

(i) Revocation of the person's driver license for a period of five (5) years from the date of conviction, if the person had a valid driver license on the date of conviction for the offense; or

(ii) A prohibition against the department issuing a driver license to the person for a period of five (5) years from the date of conviction, if the person did not possess a valid driver license at the time of conviction for the offense.

(B)

(i) Upon ordering the revocation or prohibited issuance of the person's driver license pursuant to subdivision (b)(5)(A), the court shall submit a copy of the conviction and an order for revocation or prohibition, whichever is applicable, to the department of safety.



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(ii) Upon receipt of a conviction and an order for revocation of the person's driver license, the department shall revoke the person's driver license if the person had a valid driver license on the date of conviction. The driver license shall not be reinstated or issued until the five-year period following the date of conviction has expired. A person whose license was revoked or prohibited from being issued pursuant to subdivision (b)(5)(A) may apply to the department for reinstatement or issuance of the person's driver license after the five-year period following the date of conviction has expired.

(C) A person whose driver license has been revoked or prohibited from being issued pursuant to subdivision (b)(5)(A) may, upon release from confinement, apply to the court, or a court of competent jurisdiction in the person's county of residence, for a restricted driver license. Upon demonstration of a compelling need by the person, the court may allow the issuance of a restricted driver license for the purpose of going to and from work at the person's regular place of employment; going to and from the person's regular place of worship; going to and from medical appointments for the person and the person's immediate family members; going to and from a dependent's day care or school; and, in the case of a student enrolled full-time in an institution of higher education, going to and from that institution. If the court orders the issuance of a restricted driver license, then the person may obtain a certified copy of the order and, within ten (10) days after issuance of the order, present the order to the department with an application fee of sixty-five dollars (\$65.00), and the department shall issue a restricted driver license embodying the limitations imposed in the order.

(D) As used in this subdivision (b)(5), "community terrorism" means reckless endangerment that is committed against a population within a

geographic territory by members of a criminal gang that regularly engages in gang-related conduct, as defined by § 29-3-101(a)(2)(B), or has a pattern of criminal gang activity, as defined in § 40-35-121(a), and the commission of the offense is gang-related.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

House Criminal Justice Subcommittee Am. # 1

Amendment No. _____

Signature of Sponsor

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2087

House Bill No. 2009*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-102(e), is amended by adding the following language as a new subdivision (6):

(6) Notwithstanding this subsection (e), a person convicted of a violation of subdivision (a)(1)(A)(iii) or (a)(1)(B)(iii) shall be punished one (1) classification higher than is otherwise provided if the violation was committed by discharging a firearm from within a motor vehicle, as defined in § 55-1-103.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.



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Amendment No. _____

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AMEND Senate Bill No. 2288

House Bill No. 2118*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-311(d)(1), is amended by adding the following language at the end of the subdivision:

If the trial judge finds by a preponderance of the evidence that the defendant has violated the conditions of probation and suspension of sentence, then the court may revoke the defendant's probation and suspension of sentence, in full or in part, pursuant to § 40-35-310. The court may sentence the defendant to a sentence of probation for the remainder of the unexpired term.

SECTION 2. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subdivision (d)(2) and substituting:

(2) Notwithstanding subdivision (d)(1), the trial judge shall not revoke a defendant's probation and suspension of sentence for a felony offense, whether temporarily under subdivision (e)(1) or otherwise, based upon one (1) instance of technical violation or violations.

SECTION 3. Tennessee Code Annotated, Section 40-35-311(d)(3), is amended by deleting the subdivision and substituting instead:

(3) As used in this subsection (d), "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony, new class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, absconding, or contacting the defendant's victim in violation of a condition of probation.



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SECTION 4. Tennessee Code Annotated, Section 40-35-311(e)(1), is amended by deleting the language "If the trial judge revokes a defendant's probation and suspension of sentence after finding, by a preponderance of the evidence, that the defendant engaged in conduct that is a second or subsequent instance of a technical violation" and substituting the language "If the trial judge finds by a preponderance of the evidence that the defendant has violated the conditions of probation and suspension of sentence for a felony offense by engaging in conduct that is a second or subsequent instance of a technical violation".

SECTION 5. Tennessee Code Annotated, Section 40-35-311(e)(2), is amended by deleting the language "a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding" and substituting instead:

a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, absconding, or contacting the defendant's victim in violation of a condition of probation

SECTION 6. Tennessee Code Annotated, Section 40-28-122(c)(1), is amended by deleting the language "a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding" wherever it appears and substituting instead:

a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, absconding, or contacting the defendant's victim in violation of a condition of parole

SECTION 7. This act takes effect July 1, 2022, the public welfare requiring it, and applies to court determinations made on or after that date.

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AMEND Senate Bill No. 2400

House Bill No. 2147*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-7-120, is amended by deleting the language "thirteen (13) years of age or younger" wherever it appears and substituting the language "under eighteen (18) years of age".

SECTION 2. Tennessee Code Annotated, Section 36-3-601(7), is amended by deleting the language "domestic abuse, sexual assault or stalking" and substituting instead the language "domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense".

SECTION 3. Tennessee Code Annotated, Section 36-3-602(a), is amended by deleting the language "domestic abuse, stalking, or sexual assault" wherever it appears and substituting instead the language "domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense".

SECTION 4. Tennessee Code Annotated, Section 36-3-602(c), is amended by deleting the language "domestic abuse, stalking or sexual assault" and substituting instead the language "domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or human trafficking offense".

SECTION 5. Tennessee Code Annotated, Section 36-3-605, is amended by deleting subsection (b) and substituting:

(b) Within fifteen (15) days of service of such order on the respondent under this part, a hearing must be held, at which time the court shall either dissolve any ex parte order that has been issued, or shall, if the petitioner has proved the allegation of



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domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense by a preponderance of the evidence, extend the order of protection for a definite period of time, not to exceed one (1) year, unless a further hearing on the continuation of such order is requested by the respondent or the petitioner; in which case, on proper showing of cause, such order may be continued for a further definite period of one (1) year, after which time a further hearing must be held for any subsequent one-year period. Any ex parte order of protection must be in effect until the time of the hearing, and, if the hearing is held within fifteen (15) days of service of such order, then the ex parte order must continue in effect until the entry of any subsequent order of protection issued pursuant to § 36-3-609. If no ex parte order of protection has been issued as of the time of the hearing, and the petitioner has proven the allegation of domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense by a preponderance of the evidence, then the court may, at that time, issue an order of protection for a definite period of time, not to exceed one (1) year.

SECTION 6. Tennessee Code Annotated, Section 36-3-606(a), is amended by deleting the language "domestic abuse, stalking or sexual assault" wherever it appears and substituting instead the language "domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense".

SECTION 7. Tennessee Code Annotated, Section 36-3-613(a), is amended by deleting the language "domestic abuse, stalking or sexual assault" and substituting instead the language "domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense".

SECTION 8. Tennessee Code Annotated, Section 37-1-134(b), is amended by adding the following as a new subdivision:

() Whether the child has a history of trauma or abuse, including, but not limited to, the child being a victim of a human trafficking offense as defined in § 39-13-314;

SECTION 9. Tennessee Code Annotated, Section 37-1-607, is amended by deleting subdivision (a)(2) and substituting:

(2) Each team must be composed of one (1) person from the department, one (1) representative from the office of the district attorney general, one (1) juvenile court officer or investigator from a court of competent jurisdiction, and one (1) properly trained law enforcement officer with countywide jurisdiction from the county where the child resides or where the alleged offense occurred. The team may also include a representative from one (1) of the mental health disciplines, a representative trained in child abuse from one (1) of the medical disciplines, and, for cases involving an allegation that a child is a victim of a human trafficking offense, a representative from one (1) non-governmental agency specialized in combatting the commercial sexual exploitation of minors. It is in the best interest of the child that, whenever possible, an initial investigation shall not be commenced unless all four (4) required disciplines are represented. An initial investigation may, however, be commenced if at least two (2) of the required team members are present at the initial investigation. In those geographical areas in which a child advocacy center meets the requirements of § 9-4-213(a) or (b), child advocacy center directors, or their designees, must be members of the teams under this part and part 4 of this chapter for the purposes of provision of services and functions established by § 9-4-213 or delegated pursuant to that section. In such event, child advocacy center directors, or their designees, may access and generate all necessary information, which shall retain its confidential status, consistent with § 37-1-612.

SECTION 10. Tennessee Code Annotated, Section 37-1-607(b)(2)(A), is amended by adding the following as a new subdivision:

() Determine the specialized, non-punitive services necessary to support the child in cases where there is an allegation that the child may be a victim of a human trafficking offense;

SECTION 11. Tennessee Code Annotated, Title 37, Chapter 5, Part 4, is amended by adding the following as a new section:

(a) The department shall develop a policy to assist foreign national children suspected of being victims of human trafficking.

(b) The department must develop and maintain assessment tools to screen system-involved children at risk of human trafficking for experiences of commercial sexual exploitation. The assessment tools must also be distributed to juvenile justice agencies for use in screening children identified to be at risk for being a victim of human trafficking.

SECTION 12. Tennessee Code Annotated, Section 39-11-502(c), is amended by deleting the subsection and substituting:

(c) It is not a defense to prosecution for a violation of § 39-13-309, § 39-13-514, or § 39-13-529(a), (b)(1), or (b)(2) that the person charged was ignorant or mistaken as to the age of a minor.

SECTION 13. Tennessee Code Annotated, Section 39-13-309(d), is amended by adding the following as a new subdivision:

() The person charged was ignorant or mistaken as to the age of a minor.

SECTION 14. Tennessee Code Annotated, Section 39-13-309, is amended by adding the following as new subsections:

() Notwithstanding this section to the contrary, if it is determined after a reasonable detention for investigative purposes that a victim of trafficking for a commercial sex act under this section is under eighteen (18) years of age, then that person is immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person under eighteen (18) years of age into custody as a suspected victim under this section shall, upon determination that the person is a minor, provide the minor with the telephone number for the Tennessee human trafficking resource center hotline, notify the department of children's services, and release the

minor to the custody of a parent or legal guardian or transport the minor to a shelter facility designated by the juvenile court judge to facilitate the release of the minor to the custody of a parent or guardian.

() It is a defense to prosecution under this section, including as an accomplice or co-conspirator, that a minor charged with a violation of this section was so charged for conduct that occurred because the minor is also a victim of an act committed in violation of this section or § 39-13-307, or because the minor is also a victim as defined by the federal Trafficking Victims Protection Act (22 U.S.C. § 7102).

SECTION 15. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (a)(1)(E) and substituting:

(E)

(i) Except as provided in subdivision (a)(1)(E)(ii) and in subsection (j), a person is not entitled to the expunction of such person's records if:

(a) The person is charged with an offense, is not convicted of the charged offense, but is convicted of an offense relating to the same criminal conduct or episode as the charged offense, including a lesser included offense; provided, however, any moving or nonmoving traffic offense shall not be considered an offense as used in this subdivision (a)(1)(E)(i); or

(b) The person is charged with multiple offenses or multiple counts in a single indictment and is convicted of:

(1) One (1) or more of the charged offenses or counts in the indictment; or

(2) An offense relating to the same criminal conduct or episode as one (1) of the offenses charged in the indictment, including a lesser included offense.

(ii) Subdivision (a)(1)(E)(i) does not apply if the person is a victim of a human trafficking offense, the conviction is a result of victimization, and the person is applying for expunction relief under § 40-32-105.

SECTION 16. Tennessee Code Annotated, Section 40-32-105, is amended by deleting subdivision (i)(4) and substituting:

(4) As used in this section, expunction means, in contemplation of law, the conviction for the expunged offenses never occurred and the person shall not suffer any adverse effects or direct disabilities, including the payment of fines and fees owed to the court, by virtue of the criminal offenses that were expunged.

SECTION 17. Tennessee Code Annotated, Section 40-35-113, is amended by deleting subdivision (12) and substituting:

(12) The defendant acted under duress or under the domination of another person, even though the duress or the domination of another person is not sufficient to constitute a defense to the crime, including a misdemeanor or non-violent felony committed while the defendant was a victim of human trafficking or a commercial sex act; and

SECTION 18. Tennessee Code Annotated, Section 40-38-119(b)(2), is amended by deleting the subdivision and substituting:

(2) Have a support person of the victim's choosing present during any forensic medical examination and during any interview with law enforcement, the prosecuting attorney, the defendant, or the defendant's attorney, and to have a support person present in the courtroom when the victim is testifying against the defendant;

SECTION 19. Tennessee Code Annotated, Section 39-13-307(d), is amended by deleting subdivision (d)(2)(D) and adding the following new subdivision (d)(3):

(3) Involuntary servitude is a Class A felony if the victim was a minor.

SECTION 20. Tennessee Code Annotated, Section 39-13-308(c), is amended by redesignating the current language as subdivision (c)(1) and adding the following as a new subdivision (c)(2):

(2) Trafficking for forced labor or services is a Class A felony if the victim was a minor.

SECTION 21. Tennessee Code Annotated, Section 39-13-309(c), is amended by deleting the subsection and substituting:

(c)

(1) A violation of subsection (a) is a Class B felony, except as provided in subdivision (c)(2).

(2) A violation of subsection (a) is a Class A felony if the victim of the offense was a minor.

SECTION 22. Tennessee Code Annotated, Section 39-13-515(c), is amended by deleting the subsection and substituting instead:

(c) Promoting prostitution of a minor or person with an intellectual disability is a Class A felony.

SECTION 23. Tennessee Code Annotated, Section 39-13-514, is amended by deleting subdivision (b)(3)(A) and substituting:

(A) Patronizing prostitution from a person who is younger than eighteen (18) years of age, has an intellectual disability, or is a law enforcement officer posing as a minor is punishable as trafficking for commercial sex acts under § 39-13-309.

SECTION 24. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2712

House Bill No. 2810*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-116(d), is amended by deleting the subsection and substituting:

(d) A violation of subsection (a) is a Class D felony.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 13, is amended by adding the following as a new section:

(a) Except as provided in subsection (b), each county office of register of deeds shall offer a property fraud alert program to property owners at no cost. The program must allow property owners to register their name and the address of their property and must notify property owners when a document is recorded that contains the property owner's name or the address of their property to combat property and mortgage fraud.

(b) A county office of register of deeds is only required to provide a property fraud alert program if the county legislative body specifically appropriates funds sufficient to pay the costs of providing the program. This section does not require a county office of register of deeds to provide a property fraud alert program from the general funds annually appropriated to the county office of the register of deeds.

SECTION 3. Section 1 of this act takes effect July 1, 2022, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date. Section 2 of this act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2428

House Bill No. 2178*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-902(a), is amended by adding the following as a new subdivision:

(22) If the image is captured by the Tennessee emergency management agency, created in § 58-2-104, for emergency management purposes, including surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared, coordinating a disaster response, and conducting preliminary damage assessments of real property and infrastructure following a disaster. An image of a person or thing on private property captured by the Tennessee emergency management agency pursuant to this subdivision (a)(22) is deemed to be an image captured incidental to the lawful capturing of an image for purposes of § 39-13-905.

SECTION 2. Tennessee Code Annotated, Section 39-13-902, is amended by adding the following as a new subsection:

(c) An image captured pursuant to subdivision (a)(22) for the purpose of damage assessment may be retained by the Tennessee emergency management agency for no longer than one (1) year or, if the disaster is later declared a major disaster by the President of the United States, for the retention period required by the federal emergency management agency for data related to damage assessment. All images captured for any other purpose shall not be retained by the Tennessee emergency management agency for more than fifteen (15) business days.



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SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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AMEND Senate Bill No. 2377

House Bill No. 2367*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, Part 5, is amended by adding the following as a new section:

(a) By July 1, 2023, in addition to the victim notification system created by this part, the Tennessee sheriffs' association shall establish a criminal proceedings notification system for the purpose of increasing the transparency and efficiency of the criminal justice process by providing timely information about each stage of the criminal process to interested parties.

(b) The information in the criminal proceedings notification system must be available twenty-four (24) hours per day over the telephone, through the internet, or by email. Any interested party may register with the Tennessee sheriffs' association to be automatically notified:

(1) At least twenty-four (24) hours before any hearing in the matter for which the person registered, including, but not limited to, bail hearing, pretrial hearings, trial, and sentencing. The notice must include information on what type of hearing will occur and the date, time, and location for the hearing; and

(2) No more than twenty-four (24) hours after a hearing was conducted in the matter for which the person registered. The notice must include information on whether the hearing occurred as scheduled and, if so, a brief summary of the outcome of the hearing.



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(c) Funding for the criminal proceedings notification system must be appropriated by the general assembly, and moneys from the statewide automated victim information and notification system fund created in § 67-4-602(h)(2) must not be used for the criminal proceedings notification system.

SECTION 2. This act is not an appropriation of funds, and funds must not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.